

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Jose Luis Velazquez,	:
Plaintiff,	:
	:
v.	: File No. 2:07 CV 244
	:
Vermont Department of	:
Corrections, Robert Hofman,	:
Southern State Correctional	:
Facility, Kevin Ashburn, Prison	:
Health Service, Inc., and	:
John Leppmann,	:
	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed March 2, 2009. Defendants' objections were filed March 17, 2009 and Plaintiff's response was filed on September 17, 2008.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendation in full

denying Defendants' motion to dismiss (Paper 19). In addition, all discovery is to be completed by plaintiff within twenty (20) days from the date of this order.

Dated at Burlington, in the District of Vermont, this 25th day of March, 2009.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge